

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION**

Jonathan R., minor by Next)	
Friend Sarah DIXON, <i>et al.</i> ,)	
)	
<i>Plaintiffs,</i>)	
v.)	Case No. 3:19-cv-00710
)	
Jim JUSTICE, in his official capacity as)	
the Governor of West Virginia, <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	

**DECLARATION OF MARCIA ROBINSON LOWRY IN SUPPORT OF PLAINTIFFS’
MOTION TO COMPEL**

I, Marcia Robinson Lowry, declare:

1. I am counsel for Plaintiffs in the above-captioned action and submit this Declaration in support of Plaintiffs’ Motion to Compel.
2. Attached hereto as Exhibit 1 is a true and correct copy of Plaintiffs’ Eleventh Request for Production (“Eleventh RFP”) of Documents to Defendants dated November 7, 2023.
3. Attached hereto as Exhibit 2 is a true and correct copy of Defendants’ Response to Plaintiffs’ Eleventh Request for Production of Documents (“Defendants’ Response”) dated December 7, 2023.
4. The parties met and conferred regarding Defendants’ Response on December 20, 2023.
5. Defendants offered to provide a compromise regarding some of the requests in the Eleventh RFP, but stood on their objections regarding Request 4 in the Eleventh RFP.
6. During this meet and confer, Defendants made clear that their primary ground for objecting is that they do not deem this information relevant to Plaintiffs’ claims because the two children at issue in the Request were not members of the class at the time the initial reports were made and/or the investigation into the allegations of abuse and neglect took place.

7. Defendants admitted that they assumed, although they did not know, that the children were now in State custody. Press reports have now confirmed that they are in State custody.
8. Defendants did not argue at the meet-and-confer that it would be unduly burdensome to produce the documents requested. They reiterated that their primary objection concerned the relevance of the documents to the remaining issues in the case.
9. Plaintiffs responded that they believed the documents were relevant to their claims and therefore discoverable, and they intended to move to compel Defendants' response.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on January 8, 2024.

A handwritten signature in black ink, appearing to read "Marcia Lowry". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Marcia Robinson Lowry